

**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

October 3, 2023

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:06 a.m. on Tuesday, October 3, 2023 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The meeting opened with invocation by Chairman Curry and the Pledge of Allegiance to the Flag of our Country.

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Craig Curry, District 1; Vice-Chairman Michelle Stone, District 5; Commissioner Kathy Bryant, District 2; Commissioner Matt McClain, District 3; and Commissioner Carl Zalak, III, District 4. Also present were Clerk Gregory C. Harrell, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, Assistant County Administrator (ACA) Tracy Straub, ACA Angel Roussel, ACA Amanda Tart, and Executive Director of Internal Services Mike McCain.

ANNOUNCEMENTS:

Chairman Curry addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 13.2.1).

1. PROCLAMATIONS AND PRESENTATIONS:

Mr. Bouyounes advised of a revision to the Proclamation for Community Planning Month (Item 1.3), which was amended to add the Southwest Florida Water Management District (SWFWMD) to the Proclamation.

Upon motion of Commissioner Bryant, seconded by Commissioner Zalak, the Board of County Commissioners (BCC) approved and/or ratified the following:

1.1. PRESENTATION - Unveiling of the No Horsin' Around with Marion Anti-Littering Campaign Bus (Presentation Only)

Solid Waste Director Mark Johnson, presented the following recommendation:

Description/Background: The No Horsin' Around with Marion Campaign is the result of the Litter Task Force, which was a collaboration of many local officials, businesses, and agencies who came together with a plan of action to help prevent littering in Marion County.

The final plan of action and a new ordinance with strict fines and enforcement was brought before the Commission in late 2022. The Sun Tran bus messaging was advertising that was included in the plan and the final concept of the buses was completed at the end of September 2023.

This is the first of two buses that will be dedicated to spreading the anti-littering message in our community and helping to educate the public on the importance of keeping Marion clean while reminding them that litter is a crime.

Budget/Impact: None.

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Recommended Action: Presentation only.

Mr. Johnson stated as part of the campaign, one of the two SunTran buses has been wrapped with an anti-littering message. He invited the Commissioners to come outside for the unveiling of the No Horsin' Around Anti-Littering Campaign bus and expressed his appreciation to the City of Ocala and SunTran for their support.

There was a recess at 9:12 a.m.

The meeting resumed at 9:18 a.m. with all members present.

1.2. PROCLAMATION - Central Florida Community Action Agency Day – Tiffany McKenzie, CFCAA Compliance and Reporting Officer (Approval and Presentation)

The Board presented the Proclamation designating October 26, 2023 as “Central Florida Community Action Agency (CFCAA) Day” to Tiffany McKenzie, Compliance and Reporting Officer, CFCAA, and several representatives.

Compliance and Reporting Officer Tiffany McKenzie, CFCAA, expressed her appreciation to the Board and the County for all that is done to help the families of Marion County. She advised that the organization has been part of the community for the past 42 years and helps approximately 10,000 families annually.

Community Services Director Cheryl Martin commented on the good work performed by the CFCAA Board and provided a brief overview of the many services the organization provides.

1.3. PROCLAMATION - Community Planning Month - Chuck Varadin, Marion County Growth Services Director (Approval and Presentation)

The Board presented the revised Proclamation designating October 2023 as “Community Planning Month” to Growth Services Director Chuck Varadin and several planning professionals throughout the community.

Growth Services Director Chuck Varadin expressed his appreciation to the Board, planners, citizens, and appointed Advisory Boards for their efforts in making Marion County a great place to live, work, and play.

Deputy Director Ken Weyrauch, Growth Services, thanked the Board and planning community for their support.

David Tillman, Tillman & Associates Engineering, expressed his appreciation to the Board and staff for the help they provide for the planning community.

Commissioner Zalak expressed his gratitude to the representatives of On Top of The World (OTOW) and Calesa communities for the difference these communities make on the west side of Marion County. He commented on the hard work performed by County staff and expressed his appreciation to Senior Planner Chris Rison.

1.4. PROCLAMATION - National Fire Prevention Week - Chief James Banta, Marion County Fire Chief (Approval and Presentation)

The Board presented the Proclamation designating the week of October 8th through 14th, 2023, as “National Fire Prevention Week” to Fire Chief James Banta, Marion County Fire Rescue (MCFR) and several representatives.

Fire Chief James Banta, MCFR, expressed his appreciation to the Board for recognizing Fire Prevention Safety Week. He commented on the need to check smoke detectors regularly, noting MCFR, in partnership with the American Red Cross, has given away thousands of smoke detectors. Chief Banta stated citizens in need of a smoke detector

may contact MCFR's main phone number at (352) 291-8000. He advised that in his 30 years of service over 90 percent (%) of the fire fatalities he was involved with did not have working smoke detectors, noting smoke detectors save lives.

Battalion Chief Pamela Driggers, MCFR, stated the Department has partnered with the American Red Cross in a smoke detector program to provide and install smoke detectors for free, as well as partnered with Marion County School Board (MCSB) to provide fire safety education in each elementary school in Marion County during the month of October 2023.

1.5. PRESENTATION - Employee of the Quarter for July - September 2023 - Amanda Tart, Assistant County Administrator (Presentation Only)

ACA Amanda Tart, Administration, presented the following recommendation:

Description/Background: The Employee of the Quarter program recognizes employees that go above and beyond to provide exceptional services to the citizens of Marion County and to reward exemplary employees for their accomplishments and contributions. The Employee of the Quarter can be nominated by co-workers, supervisors, citizens, or County Commissioners and must meet certain criteria in order to be qualified for consideration. The Employee of the Quarter is recognized by the Board, receives a day off with pay, and is included in the Ideal Team Player candidate pool. Each year, during Employee Appreciation, the County Administrator awards chosen employees with the Ideal Team Player award.

Budget/Impact: None.

Recommended Action: Presentation of Employee of the Quarter for the quarter ending in September 2023.

The nominees for Employee of the Quarter for the 3rd Quarter (July - September 2023) are:

Dallas Homan	Community Services
Helen Urie	Community Services
Carrie Reid	Facilities Management
Donald Dunne	Fleet Management
Kimberly Hatcher	Growth Services
Mary Vazquez	Growth Services
Sarah Bland	Human Resources
Katie Freeman	Information Technology
Diane O'Lenick	Public Library System
Eymmie Cedeno	MSTU
Angela Wild	Procurement
Steve Lee	Public Safety Communications

Ms. Tart provided a brief overview of the accomplishments of the employee of the quarter for July through September 2023 and congratulated Carrie Reid, Facilities Management for being the employee of the quarter.

Chairman Curry commented on the good work done by the Facilities Management Department and thanked Ms. Reid for going the extra mile to make the lives of Marion County citizens better.

Commissioner Bryant out at 9:42 a.m.

Commission Bryant returned at 9:43 a.m.

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1.6. PRESENTATION - Marion County Hometown Heroes 2023 (Presentation Only)

Fire Chief James Banta, MCFR, presented the following recommendation:

Description/Background: The sixth annual Hometown Heroes gala, organized by Marion County Veterans Helping Veterans and Hiers-Baxley Community Care took place on September 7, 2023. This gala honors first responders who have excelled in the line of duty. Marion County received many awards during the ceremony.

Active valor award recipients are honorees who actively saved a life in the line of duty, and hometown heroes are a more general recognition for above-and-beyond actions and service.

Marion County Fire Rescue had two active valor award recipients who actively saved a life in the line of duty. They are Firefighter/EMT Jordon Miller and Firefighter/Paramedic Keith Owens, who saved the driver of a sedan from a car fire. They responded to an urgent call and immediately went to the burning car, foregoing their own safety and well-being for the benefit of the patient.

Florida's Urban Search and Rescue Task Force 8 were also awarded at the event. Task Force 8 is comprised of Urban Search & Rescue (USAR) specialists from Ocala Fire Rescue (8), Marion County Fire Rescue (10), Gainesville Fire Rescue (8), and a chaplain deployed to assist with the aftermath of major events. Task Force 8 was awarded for their efforts after being deployed to Lee County in the aftermath of Hurricane Ian. They were able to assist with many rescues of Lee County citizens.

Additionally, Hannah Carpenter, a Public Safety Communications Telecommunicator with Marion County, was honored at the event as well. During a shift earlier this year, Hannah processed a 911 call referencing shots fired. She soon realized that the victim, who eventually passed away, was a member of her family. Hannah's bravery and strength helped her pull through this difficult situation and continue to help the citizens of Marion County who are in need.

Finally, Battalion Chief Pamela Driggers received the Hometown Heroes Founder's Lifetime Achievement Award for her over 28 years of service to the citizens of Marion County.

Budget/Impact: None.

Recommended Action: Motion for presentation only.

Fire Chief James Banta, MCFR, called Firefighter/Emergency Medical Technician (EMT) Jordan Miller; Firefighter/Paramedic Keith Owens; Rescue Task Force 8 members Frank York, Tim Eckert, and Dustin Madrid; Public Safety Communications (PSC) Telecommunicator Hannah Carpenter; MCFR Battalion Chief Pam Driggers; and Bruce Sessler from Hiers Baxley Community Care up to the stage. He commented on the 6th Annual Hometown Heroes gala that took place on September 7, 2023 where several members of MCFR, Florida's Urban Search and Rescue Task Force 8, and PSC received various awards. In addition, Battalion Chief Driggers received the Hometown Heroes Founder's Lifetime Achievement Award for her 28 plus years of service to the citizens of Marion County.

Chairman Curry commented on the Hometown Heroes gala, noting it has been an honor to attend and see those that rush into a problem situation to save others. He stated Battalion Chief Driggers is a great representative of MCFR and an exemplary role model for others. Chairman Curry expressed his appreciation to Task Force 8 for their willingness to go wherever they are needed on behalf of Marion County.

Commissioners Stone and Bryant out at 9:50 a.m.

2. AGENDA ITEM PUBLIC COMMENTS:

Reserved for comments related to items specifically listed on this agenda. Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled requests will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or submit the request online at: www.marionfl.org.

Commissioner Bryant returned at 9:51 a.m.

Chairman Curry opened the floor for public comment.

Phillip Weissburg, Clear Road, appeared to address the Board.

Chairman Curry advised that Mr. Weissburg signed up to speak under Item 12, General Public Comment.

Mr. Weissburg agreed that he will wait to address the Board during General Public Comment.

Commissioner Stone returned at 9:52 a.m.

Joseph Walker, SE 54th Place, Ocklawaha, commented on Item 9.1 relating to past due Code Enforcement liens.

Chairman Curry advised that public comment is now closed.

3. ADOPT THE FOLLOWING MINUTES: (1 set)

3.1. May 2, 2023

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to adopt the meeting minutes of May 2, 2023. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS AND GOVERNMENTAL OR OUTSIDE AGENCIES:

4.1. Billy Woods, Sheriff - Request Approval of 2022 - 2024 Edward Byrne Memorial Justice Assistance Grant Program – Countywide

Grants Coordinator Caitlin Rath, Marion County Sheriff's Office (MCSO) presented the following recommendation:

Description/Background: The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of criminal justice funding to states and units of local government. The Florida Department of Law Enforcement has set aside \$106,203 for Marion County. The following programs will be funded through this allocation:

- Marion County Sheriff's Office - \$46,203
- Ocala Police Department - \$30,000
- Marion County Courts - \$10,000
- Dunnellon Police Department - \$10,000
- Marion County Public Schools - Safe Schools \$10,000

Budget/Impact: Grant revenue of \$106,203 (no local match required).

Recommended Action: Motion to authorize the Chair to sign the 51% letter.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to authorize the Chair to sign the 51% letter approving the distribution of \$106,203.00. The motion was unanimously approved by the Board (5-0)

4.2. Jeffrey Fuller, Trial Court Administrator - Request Approval of Renewal Agreement Between Sumter County and Marion County - Court Technology Personnel Services

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Trial Court Administrator Jeffrey K. Fuller, Fifth Judicial Circuit Court, presented the following recommendation:

Description/Background: Request approval to enter into a renewal agreement between Sumter County, Florida and Marion County Board of County Commissioners for Court Technology Personnel Services. The current renewal expires on September 30, 2023 and is being renewed for two (2) years. Sumter County will reimburse the County BOCC for these services upon receipt of invoices submitted to the Court's Contract Manager.

Budget/Impact: Neutral; expenditure and revenue of \$78,620 in adopted FY 2023-24 budget.

Recommended Action: Motion to approve request for Marion County Board of County Commissioners to enter into an agreement with Sumter County, Florida for Court Technology Personnel Services.

A motion was made by Commissioner Stone, seconded by Commissioner McClain, to approve the request to enter into a renewal agreement with Sumter County, Florida for Court Technology Personnel Services. The motion was unanimously approved by the Board (5-0)

5. CLERK OF THE CIRCUIT COURT:

5.1. Clerk of Court Items

Clerk Harrell expressed his appreciation to the Board and County staff for working so well with Clerk staff through the Budget process.

5.1.1. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 037017, 037085, 040747, 040748, 040774, 042312, 042462, 043057, 045705, 045708, 046298, 046691, 046708, 049855, 050302 Transfer and IT List Attached.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to approve the Acquisition or Disposition of Property Forms for 037017, 037085, 040747, 040748, 040774, 042312, 042462, 043057, 045705, 045708, 046298, 046691, 046708, 049855, 050302 Transfer and IT list attached. The motion was unanimously approved (5-0).

6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: NONE

7. CONSENT:

A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner. Commissioner Stone advised that she wanted to address Item 7.6.5, but did not want to pull the Item from Consent for further discussion. She commented on Marion County Health Department Administrator Mark Lander, noting he does an exceptional job. Commissioner Stone requested the Board's permission to send a letter to Mr. Lander's supervisor, State Surgeon General Dr. Joseph Ladapo expressing how well Mr. Lander works with the BCC and on behalf of the citizens of Marion County. It was the general consensus of the Board to concur.

Upon motion of Commissioner Zalak, seconded by Commissioner McClain, the Board

acted on the Consent Agenda as follows:

7.1. Attorney:

7.1.1. Request Approval of Interlocal Agreement with the Town of Reddick for Code Enforcement Services (Budget Impact - None)

The Board accepted the following recommendation as presented by County Attorney Matthew G. Minter:

Description/Background: On or about July 6, 2017, the parties entered into an Interlocal Agreement for Code Enforcement Services to provide for the enforcement of Reddick's municipal codes and ordinances related to unsafe buildings and structures by County Code Enforcement Officers and to authorize the County Code Enforcement Board to hold hearings and assess fines related to such violations. On November 28, 2018, the Parties amended that Interlocal Agreement for Code Enforcement Services, to expand the scope of services to include the enforcement of Reddick's municipal solid waste ordinance. Now, Reddick desires to have Marion County Code Enforcement provide code enforcement related services on behalf of Reddick for the enforcement of all violations related to the zoning and land use regulations of Reddick, Florida.

Budget/Impact: None.

Recommended Action: Motion to Approve Interlocal Agreement with the Town of Reddick for Code Enforcement Services.

7.2. Community Services:

7.2.1. Request Approval of a Resolution of the Board of County Commissioners of Marion County, Florida, Appointing a Locally Elected Official as a Committee Member of the Affordable Housing Advisory Committee as Required by Section 420.9076(2) (Budget Impact- None)

The Board accepted the following recommendation to adopt Resolution 23-R-456 as presented by Community Services Director Cheryl Martin:

Description/Background: Commissioner Michelle Stone has served by Board appointment (Resolution 20-391) on the Affordable Housing Advisory Committee (AHAC) since October 6, 2020. She was appointed for a three-year term which expires October 6, 2023. At this time it is appropriate for the Board to reappoint Commissioner Stone or another locally elected official.

Section 9.3-46, Marion County Code of Ordinances (last amended by Ordinance 20-28) provides for the Affordable Housing Advisory Committee (AHAC) pursuant to Section 420.9076(2), Florida Statutes.

Per Section 9.3-46(a), Marion County Code of Ordinances, the term of service on the committee shall be for three years. Terms can be extended for an additional three years by a majority vote of the Board. Also, per Section 9.3-46(e), the locally elected official serving must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in Section 420.531(2), Florida Statutes. Failure to attend may impact funding.

Budget/Impact: None.

Recommended Action: Motion to approve and execute the attached Resolution designating Commissioner Stone to serve on the AHAC Committee.

Resolution 23-R-456 is entitled:

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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPOINTING A LOCALLY ELECTED OFFICIAL AS A COMMITTEE MEMBER OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE AS REQUIRED BY STATE STATUTE SECTION 420.9076(2), AND PROVIDED FOR BY SECTION 9.3-46, MARION COUNTY CODE OF ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

7.3. Development Review Committee:

7.3.1. Request Approval of a Final Plat/Replat for On Top of the World Communities Longleaf Ridge Phase VII, Project Number 2023040069, Application Number 30020 (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Michael L. Savage, Sr., on behalf of the Development Review Committee (DRC):

Description/Background: This is a request to approve the Final Plat/Replat for On Top of the World Communities Longleaf Ridge Phase VII. This is a replat of a portion of Circle Square Woods as recorded in Plat Book P, Pages 30 through 103. This subdivision is located in the southwest portion of the County containing 161 lots, 10 tracts and 1.61 miles of road on approximately 67.09 acres. This Final Plat/Replat was approved by the Development Review Committee on September 11, 2023.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat/Replat for On Top of the World Communities Longleaf Ridge Phase VII and authorize the Chairman and Clerk to execute the same.

7.3.2. Request Approval of a Final Plat/Replat for Hoyos Residence, Project Number 2022080014, Application Number 29894 (Budget Impact - None)

The Board accepted the following recommendation as presented by Building Safety Director Savage, on behalf of the DRC:

Description/Background: This is a request to approve the Final Plat/Replat for Hoyos Residence. This is a replat of Bradford Farms, Block D, Lot 3 as recorded in Plat Book 7, Page 193.

This subdivision is located in the southwest portion of the County containing one (1) lot on approximately 3.80 acres. There are no drainage facilities and no infrastructure or rights-of-way within this plat.

This Final Plat/Replat was approved by the Development Review Committee on September 11, 2023.

Budget/Impact: None.

Recommended Action: Motion to approve the Final Plat/Replat for Hoyos Residence and authorize the Chairman and Clerk to execute the same.

7.4. Growth Services:

7.4.1. Request Approval for the April 1, 2023, University of Florida Bureau of Economic and Business Research Preliminary Annual Population Estimates for Marion County (Budget Impact - None):

The Board accepted the following recommendation as presented by Growth Services Director Chuck Varadin,

Description/Background: The University of Florida Bureau of Economic and Business Research (BEBR) issued its preliminary estimate for Marion County’s permanent population as of April 1, 2023.

BEBR provides an unincorporated and county-wide population estimate which is listed in the table below with the US Decennial Census results for April 1, 2010, and a comparison to last year’s estimate.

AREA	April 1st Population			2022 to 2023	
	2020	BEBR	BEBR	Change	%
	Census	2022	2023		
Unincorporated	304,064	313,811	323,650	9,839	3.14%
Countywide	375,908	387,232	398,552	11,320	2.92%

BEBR requests that Marion County confirm receipt of the estimates and advise BEBR as to whether or not the County considers the estimates to be reasonably correct. The Growth Services Department has reviewed these preliminary population estimates and considers them to be reasonably correct.

Budget/Impact: None.

Recommended Action: Motion to authorize staff to advise BEBR that Marion County considers the April 1, 2023, preliminary population estimates to be reasonably correct.

7.5. Human Resources:

7.5.1. Request Approval of Three (3) Add-Ons for Additional Duties and Certifications of Select Zoning Technicians - Within the Budget of Planning and Zoning A320515 (Budget Impact - Expenditure of \$2,080)

The Board accepted the following recommendation as presented by Acting Human Resources Director Jessica James:

Description/Background: Updating the Zoning Matrix to include three (3) add-ons for specific responsibilities not regularly part of the Zoning Technician’s scope of work will distribute the workload of floodplain management and impact fees while also increasing incentives for additional training and development that will facilitate future succession planning. The add-on will be an addition of \$1.00 per hour per qualifying add-on. One employee currently qualifies for the stipend which will be a \$40 per week budget impact.

Budget/Impact: Expenditure of \$2,080.

Recommended Action: Motion to approve the three (3) \$1.00 per hour add-ons for the position of Zoning Technician for the addition of Flood Plain Coordinator job responsibilities, Certified Floodplain Manager Certification, and Growth Services Coordinator job responsibilities within the Budget of Planning and Zoning AA320515.

7.6. Procurement Services:

7.6.1. Request Approval of Bid Award: 23B-194, Signal Loop Detection Repairs - Taylormade Loops, LLC, Ocala, FL (Budget Impact - Neutral; expenditure of \$60,200 pending approval of FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Susan Olsen:

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Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised a solicitation seeking bids from experienced and qualified contractors for miscellaneous sign loop detection repairs. This includes mobilization; demobilization; maintenance of traffic (MOT) operations; signal cable, new or reconstructed intersection, F & I; loop assembly, F & I, Type B; and loop assembly, F & I, Type F. One (1) submittal was received, and the tabulation is listed below:

Vendor - <i>City, State</i>	BID
Taylormade Loops, LLC - <i>Ocala, FL</i>	\$60,200.00

OCE's Deputy County Engineer, Doug Hinton, recommends Taylormade Loops, LLC receive the award as the lowest, most responsive, and most responsible bidder.

Attached for review is a contract draft and pending approval at today's meeting, it will be sent to Taylormade Loops, LLC for signatures. Upon return, it will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; expenditure of \$60,200.00. Funding comes from BM761541-563221 - 80% Gas Tax Construction Fund.

Recommended Action: Motion to approve the recommendation and allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract under 23B-194.

7.6.2. Request Approval of Change Order 2 to Purchase Order 2300319: 10ST-226, SCBA Compressors (FY 2022-23) – Channel Innovations Corp, Ocala, FL (Budget Impact - Neutral; additional expenditure of \$5,000 as approved in the FY2022-23 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On July 20, 2010 the Board approved a Standardization for MAKO Self Contained Breathing Apparatus (SCBA) compressor systems under 10ST-226. On October 11, 2022 Purchase Order 2300319 was issued to Channel Innovations Corp in the amount of \$35,000.00 for maintenance and repair services on the SCBA compressors. On June 14, 2023 Change Order 1 added \$10,000.00 for additional repairs and maintenance.

At this time, Change Order 2 is being presented to add \$5,000.00 to cover the remaining invoices for repairs and maintenance in FY 2022-23.

Budget/Impact: Neutral; The cost for the remaining invoices is \$5,000 which brings the Purchase Order amount to \$50,000.00. Funding is available in AA305526-546301 (General Fund).

Recommended Action: Motion to approve, authorize the Chairman to execute, and allow staff to process Change Order 2 to PO 2300319 Channel Innovations Corp under Standardization 10ST-226.

7.6.3. Request Approval of Contract Renewal: 21B-240-CA-01, Rainbow Park Units 1 and 2 Road Grading - John L. Finch Contracting Corporation, Summerfield, FL (Budget Impact - Neutral; expenditure of \$58,000 pending approval of FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On October 19, 2021, the Board approved a contract with John L. Finch Contracting Corporation to perform grading and compacting services

for unpaved Marion County-maintained roadways located within the boundaries of Rainbow Park Units 1 and 2. The contractor has complied with the original agreement's terms and conditions, which include a one (1) year term renewal. MSTU provided a positive evaluation, and MSTU Director, Matthew Liebfried, recommends a one (1) year term renewal.

Attached for review is a draft of the contract. Pending approval at today's meeting, it will be sent to John L. Finch Contracting Corporation for signatures and upon return, will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: Neutral; estimated expenditure of \$58,000.00. Funding comes from LH608541-546131 - Road and Maintenance Rainbow Park 1 and 2, MSBU.

Recommended Action: Motion to approve the contract renewal, allow staff to issue a contract and upon approval by Legal, authorize the Chairman and Clerk to execute the contract renewal under 21B-240-CA-01.

7.6.4. Request Approval of Contract Renewal: 21B-190-CA-02, Sale of Scrap Metal & White Goods- Trademark Metals Recycling, LLC, Tampa, FL (Budget Impact - None; this is revenue generating)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On August 3, 2021, the Board approved a contract with Trademark Metals Recycling, LLC for the sale of scrap metal and white goods collected at the recycling centers and the Baseline Landfill. The contract included two annual renewal options, and the first renewal was approved on September 7, 2022. Trademark Metals Recycling, LLC has performed their duties satisfactorily and have received favorable evaluations under this contract. Solid Waste is requesting to utilize the final renewal option, which would extend the contract for one year.

Attached for review is a draft contract amendment, which has been approved by Legal. Upon approval at today's meeting, a vendor signed original will be presented for the Clerk's and Chairman's signatures.

Budget/Impact: None; this is a revenue-generating contract.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Second Contract Amendment with Trademark Metals Recycling, LLC under 21B-190.

7.6.5. Request Approval of Funding Agreement: 24C-016, Operation of Marion County Health Department - State of Florida Department of Health, Tallahassee, FL (Budget Impact - Neutral; not to exceed \$2,650,000 as proposed in the FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: This item represents the annual agreement for operation and funding for the Marion County Health Department (MCHD) for FY 2023-24, including a breakdown of the County's portion of the agreement. The agreement also contains separate provisions for termination at will, termination because of breach, and termination due to lack of funds.

Attached for review is a copy of the agreement. If approved at today's meeting, three (3) originals, approved by Legal, will be presented for the Clerk's and

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Chairman's signatures. The proposed budget covers all services identified in the attached agreement.

Budget/Impact: Neutral; the County's portion of the agreement shall not exceed \$2,650,000.00. This figure is based on a 'Not to Exceed' amount and is subject to funding under the proposed FY 2023-24 budget.

Recommended Action: Motion to approve the attached agreement under 24C-016 and authorize the Chairman and Clerk to execute same.

7.6.6. Request Approval of Selection Committee Recommendation and Award: 23Q-173 AXIS Security Video Surveillance Systems - Archis, Inc., DAB Consulting, Inc., Integrated Fire & Security Solutions, Inc., Miller Electric Company, MMR Constructors, Inc., Morse Communications Inc., Split Pine Technologies, LLC (Budget Impact - None)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Information Technology (IT), Procurement advertised a Request for Qualifications (RFQ) for qualified contractors to install and maintain the AXIS brand security video surveillance systems. The services under this project will provide installation, maintenance, and/or repairs for security surveillance system network cameras and video recorders. The work shall include review of installation plans, running of cables, mounting of cameras, testing of equipment, and clean-up of all materials from the job site. Seven (7) contractors responded; the Selection Committee (Chris Young, Erin Arnold, and Ryan Tomasetti) evaluated and ranked all proposals and determined all seven (7) contractors were qualified and capable to perform these services. IT Director, Tom Northey, recommends award to all seven (7) contractors. The term of the contracts will be three (3) years with two (2) one-year renewal options available; pending mutual agreement by all parties.

Attached for review is a copy of a draft contract; pending approval at today's meeting, identical contracts will be sent to all firms for execution as written and upon return, will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: None; a Selection Committee recommendation carries no impact. Projects which exceed \$50,000.00 will be brought back before the Board as a separate project for review and approval.

Recommended Action: Motion to approve recommendation and allow staff to issue contracts, and upon approval by Legal, authorize the Chairman to execute contracts with all contractors under RFQ 23Q-173.

7.6.7. Request Approval of Task Order for Prequalified Underground Utilities Contractors: 20Q-173-TO-19, East Side Consolidated to Indian Pines Water Main Interconnect - T&C Underground, Inc., Ocala, FL (Budget Impact - Neutral; expenditure of \$69,740 as approved in FY 2023-24 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its September 15, 2020 meeting, the Board approved contracts with eight (8) underground contractors to perform various projects involving underground utility work. All contractors were proposed a scope of work to construct approximately 220 LF of 8" PVC water main along SE 35th Street,

approximately 40 LF of 8" PVC water main along SE 38th Street, and to remove approximately 40 LF of existing 6" PVC water main along SE 38th Street near their intersections with Baseline Road to connect two (2) existing water systems. Two (2) responses were received and Marion County Utilities Director, Jody Kirkman, recommends awarding the project to T&C Underground, Inc., based on the tabulation below:

CONTRACTOR	BID
T&C Underground, Inc.	\$69,740.00
Art Walker Construction, Inc	\$99,640.76

Attached for review is a draft contract; pending approval at today's meeting, it will be sent to the Contractor for signatures, as written, and upon return, will be forwarded for the County Attorney's, Clerk's, and Chairman's signatures.

Budget/Impact: Neutral; expenditure shall not exceed \$69,740.00. Up to ten percent (10%) contingency is allowed per the Procurement Manual.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by legal, authorize the Chairman to execute Task Order with T&C Underground, Inc. under project 20Q-173-TO-19.

7.6.8. Request Approval for Purchases \$50,000 and Over

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: The items below have been received by Procurement Services and are approved for conformance with the Procurement Code/Manual, pending approval at today's meeting.

Pending Requisition/Ovivo USA, LLC - Marion County Utilities requests approval to purchase (1) Micro Ozzy Screen with control system, cup screen, screw press, NEMA 4 control panel and Field Service start-up. Total expenditure \$120,000.00; funds are available in line ZF448536-563102 (Marion County Utility Fund). Project Code UTC000138. *This equipment is proprietary to the current equipment and cannot be competitively bid.*

Pending Requisition/ETR LLC - Marion County Fire Rescue requests approval to purchase eight (8) new 2024 International CV515 SFA, 4x4, AEV Custom Type 1 Ambulance units, to include all specification detailed on the attached quote dated 9/18/23 (\$338,472/each). These eight (8) units are part of MCFR's replacement plan. Total expenditure of \$2,707,776.00, which includes a prepayment discount of \$41,760.00 (\$5,220.00/unit). Funds are available in line STC0733VE VJ733526-564101 (Infrastructure Surtax Cap Project Fund). *This purchase meets competitive bidding requirements under Florida Sheriff's Association Contract number FSA23-VEF17.0.*

Pending Requisition/Emergency One Inc - Marion County Fire Rescue requests approval to purchase two (2) E-One Typhoon Engines to include all specification detailed on the attached quote number 120490 Rev 25 (\$635,095.00/each). These units are part of MCFR replacement plan. Total expenditure of \$1,270,190.00, which includes a MCFR discount of \$129,520.00 (\$64,760.00/unit), and a prepayment discount of \$71,388.00 (\$35,694.00/unit); funds are available in line STC0733VE VJ733526-564101 (Infrastructure Surtax Cap Project Fund). *This*

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purchase meets competitive bidding requirements under Sourcewell Contract 113021-RVG.

Recommended Action: Motion to approve requested purchases.

7.7. Transportation - County Engineer:

7.7.1. Request Approval to Declare Parcel Number 1692-004-001 as Surplus and Approve Sale and Purchase Agreement and Statute 125 Deed Between Marion County and Professional Onsite Management, LLC (Budget Impact - Revenue of \$1009)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Tracy Straub, OCE:

Description/Background: This is a request to declare parcel number 1692-004-001 as surplus, authorize staff to proceed with the sale to Professional Onsite Management LLC in the amount of \$1,009 plus closing costs, and execute the Statute 125 Deed. This is a vacant parcel that is approximately 0.19 acres in Sportsman's Haven Unit 2, Plat Book UNR, Page 73 that was acquired as a Tax Deed and staff recommends approval of this bid.

Budget/Impact: Sale of Surplus Land BL400364 - 364022 - \$1,009.

Recommended Action: Motion to approve the request to declare Parcel Number 1692-004-001 as Surplus, authorize staff to proceed with the sale, and authorize the Chair and Clerk to execute Sale and Purchase Agreement and Statute 125 Deed.

7.7.2. Request Approval of a Purchase Agreement Associated with the Emerald Road Extension Project for Parcel 9012-0164-11 (Budget Impact - Neutral; expenditure of \$45,762 as approved in the FY 2022-23 budget)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Straub, OCE:

Description/Background: This is a request to approve a Purchase Agreement in the amount of \$45,761.50 plus closing cost for parcel 9012-0164-11 associated with the Emerald Road Extension Project (Southeast 92nd Loop to Florida Northern Railroad). This is an unimproved residential lot consisting of approximately 0.25 acres.

The negotiated agreement includes attorney fees and is inclusive of any and all cost associated with this transaction. There are cost savings recognized in this negotiation by avoiding additional costs that occur during condemnation proceedings.

Budget/Impact: Neutral; expenditure of \$45,761.50 plus closing cost (East Impact Fund - TIP073865 - GA771541 - 561301).

Recommended Action: Motion to approve the Purchase Agreement and authorize the Chair and Clerk to execute the same.

7.7.3. Request Approval of Release of Subdivision Improvement Agreement with Surety Bond Associated with Phase 3 of Stone Creek by Del Webb Bridlewood Phase 3 (Budget Impact - None)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Straub, OCE:

Description/Background: This is a request to approve the Release of Subdivision Improvement Agreement with Surety Bond associated with Phase 3 of Stone

Creek by Del Webb Bridlewood Phase 3, as recorded in O.R. Book 8001, Pages 878-895, Public Records of Marion County.

The County Attorney has approved the Release as to form and legal sufficiency. The improvements were inspected on August 23, 2023 and a Certification of Satisfactory Completion letter was sent to the Developer. The release will be recorded in the Public Record for proper satisfaction of the surety bond.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Release of Subdivision Improvement Agreement with Surety Bond and to authorize the Chair and Clerk to execute the same.

7.7.4. Request Approval of Release of Subdivision Improvement Agreement with Irrevocable Letter of Credit Associated with the Laurel Commons Subdivision by Rolling Hills Development, Inc. (Budget Impact - None)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Straub, OCE:

Description/Background: This is a request to approve the Release of a Subdivision Improvement Agreement with Irrevocable Letter of Credit associated with the Laurel Commons Subdivision by Rolling Hills Development, Inc., as recorded in O.R. Book 8043, Pages 1777-1784, Public Records of Marion County.

The County Attorney has approved the Release as to form and legal sufficiency. The improvements were inspected on August 23, 2023 and a Certification of Satisfactory Completion letter was sent to the Developer. The release will be recorded in the Public Record for proper satisfaction of the surety bond.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Release and to authorize the Chair and Clerk to execute the same.

7.7.5. Request Approval of a Subordination Agreement Between Marion County and Duke Energy Associated with the SW 49th/40th Avenue - Phase 1 Road and Intersection Improvement Project (Budget Impact - Neutral)

The Board accepted the following recommendation as presented by ACA/Acting County Engineer Straub, OCE:

Description/Background: This is a request to approve a subordination agreement between Marion County and Duke Energy. This agreement is in association with the SW 49th/40th Avenue - Phase 1 Road and Intersection Improvement Project (from SW 66th Street to SW 42nd Street). Duke has an easement on private property, outside of the existing SW 66th Street County right of way. When the proposed right of way for SW 49th Avenue is acquired, it will cross over the existing Duke Energy easement. Duke Energy will be subordinating its interests in its easement to the interests of the County.

Budget/Impact: Neutral.

Recommended Action: Motion to approve the Subordination Agreement and authorize Chair and Clerk to execute the same.

7.8. Utilities:

7.8.1. Request Approval of Short Water Line Extension Program Resolution to Support SWL-044 (Applicant - Florida Land, LLC) (Budget Impact - None)

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The Board accepted the following recommendation to adopt Resolution 23-R-457 as presented by Utilities Director Jody Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8010-0951-03 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. The project is designed to meet only the permitted parcel's code compliance requirement with the project; a pending ARPA project within Marion Oaks Units 7 and 10 will complete this area's water main construction in the coming months. This project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$45,702, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-457 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

7.8.2. Request Approval of Short Water Line Extension Program Resolution to Support SWL-051 (Applicant - Holiday Builders, Inc.) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-458 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8005-0768-25 for participation in the Program, shown within the Resolution on Exhibit A - Application

for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for twelve (12) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$79,134, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-458 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

7.8.3. Request Approval of Short Water Line Extension Program Resolution to Support SWL-071 (Applicant - Life & Business USA, LLC) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-459 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8010-1000-17, 8010-1000-18, and 8010-1000-19 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. The project is designed to meet only the permitted parcel's code compliance requirement with the project; a pending ARPA project within Marion Oaks Units 7 and 10 will complete this area's water main construction in the coming months. This project provides for five (5) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$33,689, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

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Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-459 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

7.8.4. Request Approval of Short Water Line Extension Program Resolution to Support SWL-074 (Applicant - Hugo Castellanos) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-460 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8004-0486-02 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for sixteen (16) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$108,330, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-460 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

7.8.5. Request Approval of Short Water Line Extension Program Resolution to Support SWL-073 (Applicant - Holiday Builders, Inc.) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-461 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8001-0154-11 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for eight (8) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$50,069, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-461 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

7.8.6. Request Approval of Short Water Line Extension Program Resolution to Support SWL-075 (Applicant - Adams Homes of Northwest Florida, Inc.) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-462 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

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Marion County Utilities (MCU) verified parcel numbers 4712-169-001, 4712-169-004, and 4712-169-007 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for seven (7) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$3,801.57 per lot that the Board recommended as the maximum pro rata share per parcel.

Budget/Impact: None; project cost is \$26,611, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to approve and authorize the Chairman and Clerk to execute the Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-462 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; AND PROVIDING AN EFFECTIVE DATE.

7.8.7. Request to Repeal Resolution 23-R-259 and Approve Replacement of Short Water Line Extension Program Resolution to Support SWL-050 (Applicant - Focus Homes, LLC of Florida) (Budget Impact - None)

The Board accepted the following recommendation to adopt Resolution 23-R-463 as presented by Utilities Director Kirkman:

Description/Background: On August 17, 2021, the Board approved \$5 million for the development and executions of a Short Water Line Extension Program (Program) providing subsidies for qualified applicants. On October 18, 2022, the Board approved Ordinance 22-43, which among other things, establishes the basic requirements for the Program. Property owners must apply and be qualified for the Program, which will include support of a future water main construction project when the owner's property is within 50 to 500 feet of water main.

Marion County Utilities (MCU) verified parcel numbers 8009-1272-05 for participation in the Program, shown within the Resolution on Exhibit A - Application for the Short Water Line Extension Program. During review, MCU recognized the opportunity to design the extension beyond the owner's obligation as shown within the Resolution on Exhibit B. The project provides for sixteen (16) benefitting parcels and total project costs are shown within the Resolution on Exhibit C, based on MCU's current bid pricing. When the pro rata share cost is derived for each parcel located within the discrete geographical area, each owner will pay the pro rata share of \$5,000 per lot that the Board recommended as the maximum pro rata share per parcel.

The original Resolution 23-R-259 was approved on July 18, 2023, however, after recording Resolution 23-R-259, it was discovered that the pricing was based on a four (4) inch water main and the work required a six (6) inch main. This resulted in the cost per share being incorrect and the contractor's purchase order value incorrect. Both items have been corrected by this new Resolution.

Budget/Impact: None; project cost is \$50,069, plus 10% contingency in accordance with the Procurement Manual. Funding is from FF449536-563102 with project code UTCEXT001.

Recommended Action: Motion to repeal 23-R-259 and approve and authorize the Chairman and Clerk to execute the new Short Water Line Extension Program Resolution and issue a purchase order for T&C Underground under 22P-146.

Resolution 23-R-463 is entitled:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, TO SUPPORT THE SHORT WATER LINE EXTENSION PROGRAM; PROVIDING CERTAIN FINDINGS AND AUTHORITY; ESTABLISHING THE SHORT WATER LINE EXTENSION PROGRAM SERVICE AREA; ESTABLISHING ONE-TIME CAPITAL CONNECTION FEE FOR THE SERVICE AREA; REPEALING RESOLUTION NO. 23-R-259 AND PROVIDING AN EFFECTIVE DATE.

8. COUNTY ATTORNEY: NONE.

UPDATE: Mr. Minter provided a brief update on the Board's authorization for Assistant County Attorney Russell Ward to seek an Attorney General Opinion regarding the interpretation of the Home-Based Business Preemption Statute. He advised that the Florida Statute (FS) contains a number of ambiguities, noting the request was mailed to the State on Mr. Ward's last day of employment. Mr. Minter stated he would advise the Board once the Department receives a response.

9. COUNTY ADMINISTRATOR:

9.1. Request for Release of Lien on Code Enforcement Case Numbers 797332, 816235, and 849934; Parcel Number 90411-007-22

Growth Services Director Chuck Varadin, presented the following recommendation:

Description/Background: Between November 8, 2019, and December 2, 2021, three Code Enforcement Board (CEB) liens, totaling \$22,500.00, were recorded against Meghan L. Starliper and Jason R. Starliper for having accumulations of junk on their three-acre property located at 16130 SE 108th Loop, Ocklawaha. In June 2023, the property was conveyed to Su Wen Chun and Stop Sign Realty LLC via a quit claim deed.

On August 9, 2023, a request for a reduction/rescission of the liens against parcel 90411-007-22, submitted by Henry Marchell, principal member of Stop Sign Realty LLC, came before the Code Enforcement Board. The Code Enforcement Board moved to recommend that the Board of County Commissioners approve rescissions of the liens upon payment of the administrative fees/costs totaling \$930.40.

Code Enforcement Board liens	\$ 22,500.00
Abatement lien	\$ 0
Abatement interest (12%)	\$ 0

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Administrative fees/cost	\$ 930.40
Total	\$ 23,430.40

Marion County Property Appraiser shows the 2022 Market Value as \$176,828, and the Assessed Value as \$124,364.

Budget/Impact: None.

Recommended Action: Motion to deny a rescission of the liens for Case Numbers 797332-GF, 816235, and 849934; on Parcel Number 90411-007-22, leaving the liens in full force and effect.

Mr. Bouyounes advised that Item 9.1 was revised to include an abatement lien in the amount of \$2,035.38, which was not included in the published Agenda.

Troy Ankney, NE 59th Terrace, Silver Springs, stated he attended the Code Enforcement Board (CEB) meeting, noting the CEB recommendation was to remove many of the fines as the property has been cleaned up.

In response to Chairman Curry, Mr. Bouyounes provided an itemization of the unpaid lien, noting the abatement lien is \$2,035.38; abatement interest is \$215.74; Administrative fees/costs is \$930.40 for a total (including CEB liens of \$22,500.00) of \$25,681.52.

Chairman Curry advised that the liens were incurred by the previous owner, noting the current owner has cleaned up the property. He questioned if the current property owner was aware of the fines when the property was purchased. Mr. Ankney stated he was not aware of the fines at the time of purchase.

In response to Commissioner Bryant, Mr. Ankney advised he is employed by the property owner and is here on his behalf, noting the property is now cleaned up and suitable for renting.

Growth Services Director Chuck Varadin advised that the CEB did recommend rescinding the lien and having the applicant pay only the administrative fees, noting County staff recommends the lien not be rescinded.

In response to Commissioner Bryant, Code Enforcement Supervisor Robin Hough provided a breakdown of the fees, noting the three (3) Code Enforcement cases resulted in CEB cases/liens with associated costs. The CEB recommended upon payment of the costs, the CEB liens be rescinded, the abatement lien and interest are separate.

General discussion ensued relating to the cleanup efforts on this property.

In response to Chairman Curry, Mr. Ankney stated the current property owner spent approximately \$5,000.00 cleaning up the property.

A motion was made by Commissioner Bryant, seconded by Commissioner Zalak, to reduce the lien to \$3,179.52, which includes cost of the abatement, interest on the cost of the abatement, and administrative costs. The motion was unanimously approved by the Board (5-0).

Commissioner Bryant requested the Clerk's office verify cost of the abatement, interest on the cost of the abatement, and administrative costs.

9.2. Update on Marion County's Legislative Language Priorities Submitted to the Florida Association of Counties for Statewide Consideration

Legislative Manager Matthew R. Cretul, Sr., Administration, presented the following recommendation:

Description/Background: Marion County submitted five potential legislative language changes to the Florida Association of Counties (FAC) for statewide consideration. Of the five, four were recommended for approval. The language change request regarding inmate medical care reimbursement was deferred to the

FAC Legislative Conference to give FAC staff time to fully understand the issue as it relates to state and federal responsibilities.

Budget/Impact: None.

Recommended Action: For informational purposes only.

Legislative Manager Matthew R. Cretul provided a brief overview of the legislative policy requests submitted to Florida Association of Counties (FAC) for Statewide consideration. He advised that 4 of the 5 requests that were submitted were approved to move ahead to the next Legislative Conference. He advised that the one not approved was related to continued medical assistance for inmates, noting this was deferred to Committee to allow FAC staff more time to understand the relationship between Medicare, Medicaid, and the State and Federal Government.

Commissioner Zalak commented on the FAC session and how well it went. He advised that the FAC is looking at the policy that was not approved, to define the difference between the roles and responsibilities of the State and Federal Government. Commissioner Zalak requested the BCCs support for these items in November 2024.

10. COMMITTEE ITEMS: NONE

11. NOTATION FOR ACTION:

11.1. Request Approval to Schedule and Advertise the First of Two Public Hearings to Consider an Amendment to a Chapter 163, F.S. Development Agreement between Marion County, Florida and Freedom Commons Development, LLC, regarding the Marion Ranch Planned Unit Development (PUD) (fka Freedom Commons PUD and Ocala Crossings North PUD) on Tuesday, November 7, 2023, at 2:00 p.m. in the McPherson Governmental Campus Auditorium.

Senior Planner Chris D. Rison, AICP, Growth Services, presented the following recommendation:

Description/Background: James W. Gooding, III, Esq., has submitted a proposed Amendment to a Chapter 163, F.S. Development Agreement (Amendment) on behalf of Freedom Commons Development, LLC (Developer). The original Development Agreement was approved in 2014 in relation to the then titled Ocala Crossings North Planned Unit Development (PUD, 20140101Z), and was subsequently modified in 2018. In 2021, the project was updated and re-titled the Freedom Commons PUD (20210805Z), and recently, the Developer has moved to identify the project as the Marion Ranch PUD. The revised design of the 2021 PUD proposes adjusting roadway alignments and improvements prompting the submittal of the proposed Amendment. The recent and current PUD approvals and applicable Development Agreements and Amendment are listed below for reference:

1. PUD 20140101Z, Ocala Crossings North PUD,
 - Original Development Agreement OR Book/Page: 6144/249-299
 - First Agreement Amendment, OR Book/Page: 6813/681-712
2. PUD 20210805Z, Freedom Commons PUD

Florida Statutes require Development Agreements and their amendments to be considered in a series of two public hearings before the Board, with the second hearing set at the time the first hearing takes place. Staff recommends holding the first public hearing on Tuesday, November 7, 2023, at 2:00 p.m.

Budget/Impact: None.

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Recommended Action: Motion to schedule the first of two Public Hearings to consider an Amendment to a Chapter 163, F.S. Development Agreement between Marion County, Florida, and Freedom Commons Development, LLC, on Tuesday, November 7, 2023, at 2:00 p.m.

A motion was made by Commissioner Zalak, seconded by Commissioner Bryant, to schedule the first of two Public Hearings on Tuesday, November 7, 2023, at 2:00 p.m. to consider an Amendment to a Chapter 163, F.S. Development Agreement between Marion County and Freedom Commons Development, LLC. The motion was unanimously approved by the Board (5-0).

12. GENERAL PUBLIC COMMENTS:

Scheduled requests will be heard first and limited to five (5) minutes. Unscheduled speakers will be limited to two (2) minutes. Citizens may contact Marion County Administration by 5:00 p.m. the Friday before the meeting at 352-438-2300 to request to speak or sign up online at: www.marionfl.org.

Chairman Curry opened the floor to public comment.

Phillip Weissburg, Clear Road, presented a 2 page invoice from Hercules Fence Company dated April 12, 2019. He stated Hercules Fence installed a fence on his property without a building permit. This resulted in a Code Enforcement lien against his property in the amount of \$3,000.00. Mr. Weissburg advised that he is requesting the BCC waive the fine and remove the lien, noting this will allow him to donate the property with a clear title upon his death.

ACA Straub stated Mr. Weissburg needs to go before the CEB, to request the fine be reduced, then it will be brought before the BCC.

Building Safety Director Michael Savage provided a brief overview of the background of Mr. Weissburg's Code Enforcement case, noting a total of 5 Notices were sent to Mr. Weissburg prior to the case being referred to the CEB.

General discussion ensued relating to building permits.

Commissioner Bryant opined that it seems that Mr. Weissburg was not aware a building permit was required and what needed to be done by the property owner. She requested staff assist him in obtaining a building permit, then this can be brought back before the Board to address the Code Enforcement lien.

In response to Chairman Curry, Mr. Weissburg agreed to work with staff to get the building permit.

Ken Williams, Vice President of Real Estate Department for Waffle House, Norcross, Georgia, presented a 5 page handout entitled "Proposed Waffle House Restaurant, Highway 200 and 95th Street, Ocala, FL – Project #30390 Marion County Board of Commissioners – October 3, 2023". He stated Waffle House submitted a request for the tap/impact fees for the proposed location on Highway 200 and 95th Street, noting the Marion County Utility Department is using a new calculation adopted into Marion County's Code of Ordinance. The current calculation estimates are more than twice the usage of water/sewer than Waffle House anticipated. Mr. Williams advised that in 2018 when the Waffle House was constructed on Maricamp Road, the calculation for water, sewer and tap fees were based on fixture count, which suggested they used approximately 2,000 to 3,000 gallons per day (GPD). He noted Waffle House was able to show actual usage is between 800 to 1,100 GPD for all 4 existing Waffle House locations in the County. Mr. Williams requested the Utilities Department base their fees on actual use, not a formula.

In response to Chairman Curry, Mr. Bouyounes advised that there is a table used Statewide that the County adopted in Ordinance 18-10. He noted he has been working with Mr. Minter to review whether there are any avenues in place that would allow the County to utilize a different calculation method based on actual local data; however, that option is not in the County's Code.

Mr. Minter presented a 4 page handout entitled, "Table I for System Design Estimated Sewage Flows", which contains an excerpt from State regulations 64E-6.008 relating to system size determinations. He clarified that the Ordinance does not require the County to follow the table, but in fact, the County did adopt that table. Mr. Minter advised that the law is whatever the local government adopts and is presumed valid. He referred to page 2 of the 4 page handout of State regulations showing sewer and water rates, as well as cap charges, noting this is the State Administrative Code the County adopted. The Code does not provide for a waiver, and the County does not have a provision for a commercial property owner to demonstrate the actual usage. Mr. Minter stated some local governments do have provisions in their Codes to provide for a developer or commercial property owner to demonstrate, by their own engineering study, what will be the actual usage.

In response to Chairman Curry, Utilities Director Jody Kirkman advised that it would require multiple public hearings to revise the Land Development Code (LDC), which could take up to a year to complete the process. He commented on several provisions in the Code relating to size determinations for minimum design flows for systems serving any structure, building or group of buildings shall be based on the estimated daily sewage flow, noting the Code stipulates that the Department of Health (DOH) shall accept, for other than residences and food operations, metered water use data in lieu of the estimated sewage flows set.

Commissioner Stone opined that the County needs to look at revising the Ordinance to allow for historical data and actual usage.

General discussion ensued relating to calculating water/sewer usage fees.

Mr. Willams requested the Board allow the company to enter into an agreement that if the restaurant uses more water than estimated at this location, the company will pay the fee difference, or the company could pay the entire fee upfront if the Utility Department would refund the difference based on the actual annual usage.

General discussion resumed.

Chairman Curry suggested the Waffle House pay the amount currently required by the LDC and allow the time for the County to change the Ordinance, then an audit could be performed on the actual usage. He noted if the usage is less, then the Utility Department could refund the company the difference.

In response to Commissioner Bryant, Mr. Minter stated the Ordinance is imposing the charges and would need to be revised to allow a Developer to demonstrate, based on actual data, something different than the County's standard rates. He questioned if the Board is directing staff to revise and incorporate this option into the Ordinance. Mr. Minter advised that if the Board desires, the County can enter into an agreement with Waffle House acknowledging they will pay the fee according to the current Ordinance, noting a "true up" (audit) would be done in 12 months, then Waffle House would pay according to the audit results. This will allow staff time to work on an amendment to the Ordinance. He commented on the unique nature of this particular issue with Waffle House, noting if there was a brand new commercial enterprise (i.e., stand-alone restaurant) that does not have

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the same type of track record as Waffle House, that new company could request the County base the fees on their own estimated rate.

General discussion ensued relating to the timeframe to track usage.

Mr. Minter recommended the Board allow staff time to create a draft Ordinance for BCC consideration.

General discussion resumed.

Commissioner Bryant expressed concern in regard to making the amendment to the Ordinance retroactive. She recommended tabling this for today so staff can work on a solution and bring it back to the Board at the regularly scheduled BCC meeting on October 17, 2023.

Commissioner Stone referred to Senate Bill 170 that took effect in 2022, which states any time an Ordinance has a negative impact on a business the BCC is responsible to the business. She stated staff should keep this in mind moving forward with this process. Commissioner Stone recommended a Memorandum of Understanding (MOU) with Waffle House based on their usage and 12-month historical data, and to reimburse them if they are overcharged. She expressed support for bringing this matter back before the Board at the October 17, 2023 BCC meeting. It was the general consensus of the Board to concur.

Mr. Minter noted one of the benefits of having a standard schedule of charges based on GPD is that it allows Utilities to plan for capacity needs.

In response to Commissioner Bryant, Mr. Minter stated there are certain aspects of County Ordinances that are exempt from the provisions of Senate Bill 170. He advised that Legal staff will work with Mr. Williams to draft a MOU during the next 2 weeks.

Mr. Bouyounes noted staff will bring back recommendations/options for amending the Ordinance.

Roger Knechtel did not appear when called upon to speak.

Jack Stackman, SE 56th Avenue, commented on the Public Comment section of the BCC meeting, expressing his appreciation towards the Board for helping citizens. He commented on his service as a member of the Board of Adjustment and the type of cases that Board addresses.

Rock Gibboney, NE 45th Terrace, expressed his appreciation to the Board for allowing the citizens to be heard when they have a concern.

Chairman Curry advised that public comment is now closed.

NEW BUSINESS: Mr. Minter introduced Attorney Thomas Schwartz as the newest member of the County Legal Department.

13. COMMISSIONER ITEMS:

13.1. Commission Comments

Commissioner Bryant requested the Board consider moving ahead with staff raises instead of “pay for performance” raises. She commented on Animal Services and opined that animal licensing should be easier for pet owners, noting staff is looking into the possibility of Veterinary offices being able to assist with licensing.

Commissioner Stone stated she is glad to be back home from vacation and expressed how much she appreciates Marion County and the State of Florida. She stated she chose to wear pink today to honor Breast Cancer Awareness Month and encouraged ladies to

get the appropriate medical exams. Commissioner Stone reminded individuals to spay and neuter their animals.

Commissioner McClain advised that he had nothing further to add.

Commissioner Zalak advised that he had nothing further to add.

Chairman Curry advised that the litter issue in the National Forest has been adjudicated and there will be a press conference held about the matter. He commented on the effort the BCC has launched to reduce litter, which has made a big difference.

13.2. Commission Calendar

13.2.1. Present Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of October 3, 2023 through October 17, 2023.

14. NOTATION FOR RECORD:

14.1. County Administrator Informational Items:

14.1.1. Present Florida Department of Health in Marion County Quarterly Report Dated September 1, 2023

14.1.2. Present Florida State Parks Open House Public Meeting on October 11, 2023 from 3:00 p.m. to 7:00 p.m. Regarding Price's Scrub State Park and Rainbow State Park at College of Central Florida Klein Center

14.1.3. Present Memorandum from the County Administrator Dated September 29, 2023 Regarding Approved Holiday Schedule for 2024

14.1.4. Present Letter from the City of Belleview Dated September 20, 2023 Regarding the Downtown Belleview Community Redevelopment Area FY 2023-24 Budget

14.1.5. Present Letter from Sumter County Board of County Commissioners

14.1.6. Present Letter to Levy County Tax Collector Dated September 14, 2023 Regarding the Levy County Rainbow Lakes Estates Certified 2023 Assessment Roll

14.1.7. Present Resignation from the Fire Rescue/EMS Advisory Board – Shane Alexander

14.1.8. Present Solid Waste Monthly Operations Report for August 2023

14.2. Present Walk-On Items From Previous BCC Meeting:

14.2.1. Walk-On - Request to Extend the 2023 Tax Roll Pursuant to Section 197.323 F.S.

14.2.2. Walk-On - Regarding Agenda Item 15.3.2. - Partial Termination of a Chapter 163 Developer's Agreement - Approval of County Grant of Conservation Easement

14.3. General Informational Items:

14.3.1. Marion County Health Department – For the Latest health news and information, Visit the Website at <http://marion.floridahealth.gov/>

14.4. Clerk of the Court:

14.4.1. Present Memorandum from Gregory C. Harrell, Clerk of the Circuit Court and Comptroller, Regarding the Filing of Ordinance 23-25 With the Secretary of State's Office

14.4.2. Present Administrative Budget Transfer Report for FY 2022-23

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14.4.3. Present Property Appraiser FY 2023-24 Tentative Budget from the Department of Revenue, Property Tax Oversight

14.4.4. Present Regular Report of Utilization for Reserve for Contingencies

14.5. Present for information and record, minutes and notices received from the following committees and agencies:

14.5.1. Code Enforcement Board - August 9, 2023

14.5.2. Development Review Committee - August 28 and September 11, 2023

14.5.3. Land Development Regulation Commission - August 2 (A&B) and 16, 2023

14.5.4. Silver Springs Shores Tax Advisory Council - July 11, 2023

14.5.5. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>

14.5.6. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <https://www.sjrwmd.com>

14.5.7. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <https://ocalamariontpo.org>

14.5.8. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 11:11 a.m.

The meeting reconvened at 2:05 p.m. with all members present.

Also present were: Growth Services Director Charles Varadin, Deputy Director Ken Weyrauch, Transportation Planner Ken Odom, Planner II Eryn Mertens, Planner Kathleen Brugnoli, Administrative Staff Assistant Stephanie Soucey, County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes and ACA Tracy Straub.

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

Deputy Clerk Lewter presented Proof of Publication of legal ad No. 9329008 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on September 29, 2023. The Notice states the Board will consider approval of a Comprehensive Plan Amendment, rezoning and/or Special Use permit (SUP) applications, as well as considering adoption of an Ordinance.

11.2 Readdressed - Request Approval to Schedule and Advertise Two Public Hearings to Consider an Ordinance to Amend the Marion County Land Development Code on Tuesday, November 7, 2023 at 10:00 a.m., or as Soon Thereafter as Possible, in the Southeastern Livestock Pavilion (SELP) Auditorium, and Tuesday, December 5, 2023 at 5:30 p.m., or as Soon Thereafter as Possible, in the McPherson Governmental Campus Auditorium

Mr. Bouyounes advised that he has reached out to the applicant and the proposed dates provided earlier in the meeting of November 21, 2023 at 10:00 a.m. and December 19, 2023 at 5:30 p.m. will work with their schedule. He requested the Board approval for these dates.

A motion was made by Commissioner Bryant, seconded by Commissioner Stone, to schedule and advertise two public hearings to consider amendments to the Marion County Land Development Code, the first to be held on Tuesday, November 21, 2023 at

10:00 a.m., or as soon thereafter as possible, in the SELP Auditorium, and the second to be held on Tuesday, December 19, 2023 at 5:30 p.m., or as soon thereafter as possible, in the McPherson Governmental Campus Auditorium. The motion was unanimously approved by the Board (5-0).

Commissioner Stone out at 2:14 p.m.

15. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):

County Attorney Matthew G. Minter provided a brief overview of the process for today's zoning and Special Use Permit hearings. He noted the applicant will be given an opportunity to give their initial presentation to the BCC or they may wait until after public comment, at which time the applicant (or agent) will respond. If a speaker has questions for the applicant, they must address the BCC at the podium and the Board will then in turn direct those issues to the applicant for a response.

Commissioner Stone returned at 2:15 p.m.

Mr. Minter requested that everyone who will be testifying today to please stand and be sworn in en masse.

15.1. Planning and Zoning Consent Items:

Growth Services Director Charles Varadin advised that the one (1) petition listed on the Consent Agenda is recommended for approval by both the Planning Division and the P&Z Commission.

P&Z PUBLIC HEARING ON SEPTEMBER 25, 2023

Motion was made by Mr. Gaekwad and seconded by Mr. Bonner to agree with staff's findings and recommendation, and recommend approval of the Consent Agenda items.

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The motion passed by unanimous decision.

Chairman Curry opened the floor to public comment.

There being none, Chairman Curry advised that public comment is now closed.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve Consent Agenda item 15.1.1, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda items as follows:

15.1.1. 231005ZC - Michael Barlow, Epic Power Solutions, LLC., Zoning Change, Heavy Business (B-5) to Heavy Industrial (M-2), 4.74 Acres, Parcel Account Number 23194-000-01, No Address Assigned

The Board granted a petition by Michael Barlow c/o Epic Power Solutions LLC, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from Heavy Business (B-5) to Heavy industrial (M-2), for all permitted uses, on an approximate 4.74 Acre Parcel, on Parcel Account Number 23194-000-01, No Address Assigned.

15.2. Planning and Zoning Items for Individual Consideration:

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15.2.1. 231001SU - Judith Romani, Special Use Permit for Breeding Rottweiler Dogs in a General Agriculture (A-1) Zone, 52.7 Acres, Parcel Account Number 12839-001-00, Site Address 3781 NW 100th Street, Ocala FL 34475

The Board considered a petition by Judith Romani, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for breeding 4 female Rottweiler dogs, in a General Agricultural (A-1) zone, on an approximate 52.70 Acre Parcel on Parcel Account Number 12839-001-00, site address 3781 NW 100th Street, Ocala, FL 34475.

P&Z PUBLIC HEARING ON SEPTEMBER 25, 2023

231001SU Planning and Zoning Commission Recommendation

Motion was made by Mr. Gaekwad, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend approval of the zoning Change based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion Passed by unanimous decision.

Transportation Planner Kenneth Odom, Growth Services, provided a brief overview of the Special Use Permit (SUP) request for breeding 4 female Rottweiler dogs, in a A-1 zone. He advised that there was an active Code Enforcement case on this property, but it was for the property owner and not the applicant.

Commissioner Stone out at 2:25 p.m.

It was noted that Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Dawn Tottel) and not the property.
3. While the property is owned by Judith Romani, Ms. Romani is in no way to be affiliated with any operations of this kennel or be in any way responsible for the care of the animals within it. The animals, and their care shall be the sole responsibility of Dawn Tottel, only.
4. One sign either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.
5. Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties.
6. All dog waste shall be collected daily and removed from the site at least weekly.
7. The Special Use permit allows up to ten (10) adult dogs within the breeding program.
8. Canines on property shall not be kept in outside run areas before 7:00 AM or after 10:00 PM.
9. This permit allows for sale of puppies bred and delivered on-site directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
10. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with

temporary care for dogs of family members or friends, as may be requested from time to time, without compensation.

11. The applicants shall maintain up-to-date licensure with Marion County for all canines on-site, at all times.
12. The Special Use Permit shall expire on October 17, 2028; however, it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Growth Services Director (or position equivalent to the Growth Services Director at that time), unless:
 - a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit,
 - b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit, or
 - c. The Growth Service Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time.)

Animal Compliance Investigator Justin McClure, Animal Services, commented on the Code case from March of 2023 relating to horses on the property owned by Judith Romani, noting Ms. Tottel was not a party to the case.

In response to Commissioner Bryant, Mr. Odom advised that Ms. Tottel is the daughter-in-law of Ms. Romani. He stated due to medical reasons Ms. Romani is unable to participate in any type of care of the animals.

Mr. McClure stated Animal Services would not be in support of the Special Use Permit if Ms. Romani was involved. He advised that Ms. Romani is also in violation of not having a kennel license for the dogs in her home, noting staff recently issued a citation for failure to apply and obtain a kennel license, as well as Rabies and County licenses for the dogs at her home. Mr. McClure reiterated that Ms. Romani, to staff's knowledge, has no part of the Rottweiler breeding operation.

In response to Chairman Curry, Mr. McClure stated with a kennel license Animal Services will inspect biannually, but will go out to the site if complaints are received.

Commissioner Stone returned at 2:28 p.m.

Mr. Odom advised that the site will also be inspected annually by The American Kennel Club (AKC); therefore, there will be a total of 3 inspections per year. He stated the Board can require additional inspections as part of the Conditions of the Special Use Permit.

In response to Commissioner Bryant, Mr. Minter advised that 2 inspections are allowed per County Code, noting additional inspections may require the applicant's permission or a warrant.

Commissioner Zalak advised that the Board could revoke the Special Use Permit if Conditions are not met.

In response to Chairman Curry, Mr. Odom stated the Special Use Permit is being proposed for 5 years, but it could be changed at the direction of the Board.

Commissioner Zalak opined that instead of allowing the permit to automatically renew it could should come back before the Board for review.

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Commissioner Bryant questioned if the AKC inspection reports are provided to the County. Mr. Odom advised that the AKC does not provide them, but most breeders in the past have freely given them to the County if requested.

Commissioner Bryant opined that requiring the AKC kennel inspection reports should be a part of the Special Use Permit.

Dawn Tottel, NW 65th Avenue Road, applicant, advised that she was a Veterinarian Technician for 15 years. She stated the dogs are inside a majority of the time, noting they are outside from roughly 9:30 a.m. to 3:30 p.m. Ms. Tottel advised that her mother-in-law (Ms. Romani) is terminally ill and the property is already lady bird deeded to her husband. She stated eventually she and her husband will move to the property, but at this time they are staying at her cattle farm in Reddick.

In response to Commissioner Bryant, Ms. Tottel advised that her residence is approximately 12 minutes from the subject property, noting there is a camera and alarm system installed at the subject property. She stated she spends most of her day onsite, noting she works remotely and only goes into work a few days a week.

Robert Tottel, NW 65th Avenue Road, applicant, advised that should an emergency arise there is a sign on the gate with an emergency contact number.

Ms. Tottel stated she has emergency kennel help in place should she not be able to be present.

Mr. Tottel advised that the fencing is 8 feet with 2 feet underground to ensure the dogs cannot dig out.

Commissioner Bryant questioned the number of animals onsite and the number of litters each year. Ms. Tottel stated there are one male; 2 breeding females; 2 females that will be bred once they are old enough; and a litter of 8 week old puppies onsite. She advised that there will be approximately 4 litters of puppies annually.

In response to Commissioner Bryant, Ms. Tottel advised that breeding females will retire after about 4 to 5 years of producing litters.

Commissioner Stone questioned how often the female dogs are bred and how many litters are birthed annually per female and what happens to the females once retired. Ms. Tottel stated there is roughly 2 litters annually per female, noting each litter contains approximately 5 to 7 puppies. She stated she has a list of people waiting to adopt the females once they are retired.

In response to Commissioner Bryant, Ms. Tottel advised that to her knowledge none of her animals ended up at a shelter.

Mr. Odom stated one of the Conditions will cap the number of breeding animals to 10 total.

Chairman Curry opened the floor to public comment.

Cathy Leinert Whitehead, NE 63rd Street, expressed opposition to the Special Use Permit. She commented on concerns relating to public safety and the health of dogs onsite.

Karin Ahrman, NE 6th Place, addressed the Code Enforcement cases relating to horses and the property owner. She urged the Board to deny all breeding requests until a new Animal Shelter has been built.

Director of Conservation Strategies Busy Shires, Horse Farms Forever, SW 90th Avenue, advised that she had not been sworn in prior in the meeting.

Mr. Minter swore in Ms. Shires.

Ms. Shires questioned how the Special Use Permit complies with the Farmland Preservation Area (FPA) in the Comprehensive Plan. Mr. Odom advised that the proposed operation was reviewed considering the 5 criteria for Policy 3.3.1 in the

Comprehensive plan and it was determined that the operation will not have an impact on the FPA; therefore, Policy 3.3.1 was not included in the staff report.

Ms. Shires commented on the importance of Policy 3.3.1 and the FPA. She requested the policy be included in all staff reports going forward.

Commissioner Zalak opined that adding Policy 3.3.1 to the report when there is no impact is unnecessary.

Mr. Minter stated each application is reviewed on a case-by-case analysis and there may be times where an analysis of Policy 3.3.1 is necessary.

Mr. Odom advised that staff have worked overtime to refine the staff report to allow someone reviewing the report to quickly and efficiently grasp staff's analysis and provide a determination. He stated if the Board directs staff can add comments relating to Policy 3.3.1, but currently if the application does not have an impact on a portion of the Comprehensive Plan it is not included in the report.

Commissioner Stone requested staff add a note to future reports advising the proposed use does not impact Policy 3.3.1.

Diane Marchand, NE 47th Place, commented on the Code Enforcement case relating to property owner and horses on the property. She urged the Board to deny the Special Use Permit.

Dale Kreutzer, Marion Oaks Lane, commented on the current Animal Shelter issues in Marion County and the Code Violations of the property owner. She requested the Board deny the Special Use Permit.

Chairman Curry advised that public comment is now closed.

In response to Chairman Curry, Ms. Tottel provided an overview of the breeding process and timeline. She stated so far, she has only had 3 litters of puppies and there were 7 puppies in largest litter. Ms. Tottel advised that the issues with mini horses on the property involved her mother-in-law (Ms. Romani), noting her and her husband had nothing to do with the ownership or care of those animals. She stated she only got involved after Animal Services arrived on site relating to one of the horses. Ms. Tottel commented on the steps taken to address the Code issues.

Commissioner Bryant questioned if genetic testing is being performed on the dogs. Ms. Tottel advised that the adult dogs were imported from Serbia. She stated the dogs have to be 2 years old before the genetic testing can be done; therefore, 1 of the females has been tested and the other female and one male will be tested once they reach the age requirement. Ms. Tottel advised that genetic testing was done on the parents of her breeding dogs and all the results came back positive. She stated she is a member of "Good Dog", which investigates a breeding operation to ensure ethical breeding is taking place.

Commissioner Stone commented on the 2 other Serbia Rottweiler breeders in Marion County she was able to find on the internet.

Commissioner Bryant stated the puppies are not only sold to residents of Marion County. Commissioner Zalak advised that the Board is considering whether or not the property is an adequate place for the kennel, noting the kennel will be monitored through the existing kennel process. He stated the Board has not heard from one neighbor regarding any issues that would cause any damage by having this kennel on this property, noting substantial evidence has not been provided indicating this property is the wrong location for this use.

In response to Chairman Curry, Mr. Odom advised that Ms. Tottel was not involved in the Code Case as far as ownership of any of the animals, noting Ms. Tottel is related to the

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Ms. Romani, who is the owner of the property. He stated Ms. Tottel was called to the site because of the condition of Ms. Romani and was integral in resolving the Code issues.

Jenn Kerency, Animal Services, advised that she was the responding officer to the facility, noting there are two separate entrances to the property. The first entrance is gated and goes to Ms. Romani's property. The second entrance has a driveway back to Ms. Tottel's part of the property. She provided a brief overview of the condition of the kennel area, noting there is a lease agreement with Ms. Tottel for this portion of the property.

Chairman Curry requested quarterly inspections be required for the first year.

Ms. Marchand questioned if there will be more Animal Control Officers to inspect all the approved kennels. Chairman Curry advised that this question is not relevant to the application before the Board.

Mr. Odom clarified that the applicant will be required to provide the AKC annual report to Animal Services and staff will conduct quarterly inspections for the first year.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to adopt Resolution 23-R-477 with Conditions 1 through 15, as amended below, approving the Special Use Permit request agreeing with Growth Services staff and the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

Resolution 23-R-477 contains the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Dawn Tottel) and not the property.
3. While the property is owned by Judith Romani, Ms. Romani is in no way to be affiliated with any operations of this kennel or be in any way responsible for the care of the animals within it. The animals, and their care shall be the sole responsibility of Dawn Tottel, only.
4. One sign either single or double faced, non-illuminated, not exceeding six square feet in size and not higher than four feet, may be located no closer than five feet to the front property line.
5. Any additional lighting to be installed on the subject parcel shall be pointed down and inward and shall be shielded in order to mitigate glare impacting surrounding properties.
6. All dog waste shall be collected daily and removed from the site at least weekly.
7. The Special Use permit allows up to ten (10) adult dogs within the breeding program.
8. Canines on property shall not be kept in outside run areas before 7:00 AM or after 10:00 PM.
9. This permit allows for sale of puppies bred and delivered on-site directly to clients, but does not allow the sale of puppies or dogs to pet stores, flea markets or other, non-direct entities.
10. No commercial boarding of dogs/puppies shall occur on-site. This does not include the boarding for the purpose of breeding dogs or assisting with temporary care for dogs of family members or friends, as may be requested From time to time, without compensation.

11. The applicants shall maintain up-to-date licensure with Marion County for all canines onsite, at all times.
12. The applicant shall provide the annual AKC Inspection Report to Marion County Animal Services upon receipt.
13. In the first year of the special use permit Marion County Animal Services shall conduct no fewer than 4 site inspections. Every year afterwards, a minimum of two inspections will be required.
14. The Special Use Permit shall expire on October 17, 2026. The applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.
15. Conditions Attachment:
 - a. Concept Plan and Findings of Fact

15.2.2. 231004ZC - James and Elizabeth Freeland, Zoning Change, General Agriculture (A-1) to Single-Family Dwelling (R-1), 16.93 Acres, Parcel Account Number 47695-000-00, Site Address 15855 SE 90th Court, Summerfield, FL 34491

The Board considered a petition by James E. and Elizabeth F. Freeland, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from General Agricultural (A-1) to Single-Family Dwelling (R-1), for all permitted uses, on an approximate 16.93 Acre Parcel, on Parcel Account Number 47695-000-00, site address 15855 SE 90th Court, Summerfield, FL 34491.

P&Z PUBLIC HEARING ON SEPTEMBER 25, 2023

231004ZC Planning and Zoning Commission Recommendation

Motion was made by Mr. Lord, seconded by Mr. Bonner, to agree with staff's findings and recommendation, and recommend approval of the zoning Change based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

The Motion Passed by unanimous decision.

Senior Planner Chris Rison, Growth Services, provided a brief overview of the request for a zoning change from A-1 to R-1, noting staff was in receipt of 1 letter in opposition to the zoning change from a vacant property owner who resides in The Villages.

Commissioner Bryant out at 3:12 p.m.

Juan Ortega, Crandon Boulevard, Key Biscayne, on behalf of the applicant, advised that the property needs to be subdivided into two properties in order for him to purchase 15 acres of the property from the applicant, noting the current owner is going to keep 2 acres in the southwest corner of the property. He stated a development project will be brought before the Board at a future date.

Commissioner Bryant returned at 3:14 p.m.

In response to Commissioner Zalak, Mr. Rison advised that R-1 allows 4 dwelling units per acre, which matches the Medium Residential designation of the site and the general surroundings. He stated in the R-1 zoning the Land Development Code (LDC) does allow smaller lot sizes, if the property is connecting to central water and sewer systems, in order to meet the 4 dwelling units per acre.

Mr. Ortega stated at this time no development plans are being proposed, noting the only request is for the zoning change. The zoning change will allow the property to be split into a 2 acre parcel and a 15 acre parcel.

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General discussion ensued.

Mr. Minter advised that if the zoning change is approved the maximum density for the property would be 4 dwelling units per acre.

Chairman Curry opened the floor to public comment.

There being none, Chairman Curry advised that public comment is now closed.

A motion was made by Commissioner Stone, seconded by Commissioner Zalak, to approve the Zoning Change from A-1 to R-1, agreeing with Growth Services staff the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion was unanimously approved by the Board (5-0).

15.2.3. 23-S06 - Fun N Games, LLC., Land Use Change, Low Residential to Medium Residential, 18.13 Acres, Parcel Account Number 35461-000-00, Site Address 7875 SW 75th Avenue, Ocala, FL 34476

The Board considered a petition by Fun N Games LLC, for a Land Use Change, Articles 2 and 4, of the Marion County Land Development Code, from Low Residential (LR) to Medium Residential (MR), on an approximate 18.13 Acre Parcel, on Parcel Account Number 35461-000-00, site address 7875 SW 75th Avenue, Ocala, FL 34476, with 231007ZP.

P&Z PUBLIC HEARING ON SEPTEMBER 25, 2023

23-S06 Planning and Zoning Commission Recommendation

Motion was made by Mr. Lourenco, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the zoning Change based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

Passed 5 to 2 with Mr. Bonner and Mr. Fisher dissenting.

Planner II Eryn Mertens, Growth Services, advised that Agenda Items 15.2.3 and 15.2.4 are companion items and will be heard together. She provided a brief overview of the land use change from LR to MR and the rezoning request from A-1 to Planned Unit Development (PUD).

It was noted that Growth Services Department staff and the P&Z Commission recommend approval of the land use change and the Zoning Change with the following PUD Conditions:

1. The PUD is restricted to a total of 72 detached single-family dwelling units (one and two-story), and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Concept Plan (Dated 8/2022; attached).
2. The PUD shall be restricted to one-story homes along the boundaries of the project.
3. Accessory dwelling units are prohibited as they are not specifically called out.
4. The PUD offers 3.63 acres of open space, meeting the minimum requirement of 3.63 acres of open space. Staff does have concerns about the calculation of the open space as it appears the application may be trying to count the stormwater infrastructure at 100% rather than the LDC

allowance of 25%. The application proposes a park of less than one acre with a pavilion for recreational amenities. Using Census data of 2.4 persons per household, which is the average for Marion County, at 72 dwelling units, the proposed PUD may generate 173 people. This translates into 914 SF of open space per person.

5. Buffers shall be provided as shown on the submitted conceptual plan.
6. Prior to completion and approval of the final PUD Master Plan, the project Traffic Impact Analysis shall be revised, to the satisfaction of the County Engineer and Growth Services Director, to examine both major intersections of SW 80th Street and SW 80th Ave and SW 80th Street and SR 200. Adequate provision shall be made for the coordination of improvements with the PUD.
7. Prior to completion and approval of the final PUD Master Plan, the Master Plan shall be revised to show the connection to SW 75th Ave lining up with SW 78th Street.
8. The construction route shall connect to the subject property from SW 80th Street and go toward SW SR 200. Construction traffic shall stay east of SW 75th Avenue and shall not access SW 75th Avenue.
9. An 8' multimodal path be placed along the SW 80th street right-of-way, matching the path to the west of the subject property. This path's timing may be worked out in the platting phase of the project and may be pushed until such time that SW 80th Street is widened or if a development is approved to the east of this project on SW 80th Street. *Underlined portion was added after the Planning and Zoning Commission meeting.
10. The PUD shall connect to Marion County centralized water and sewer.
11. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single-Family Dwelling (R-1) zoning classification of the LDC.
12. Single-Family homes shall be a maximum of 40' in height. Any accessory structures shall be limited to 20'.

Commissioner Bryant commented on the lot sizes of Hibiscus Park, noting most of the developed parcels have two lots.

Ms. Mertens advised that the density configuration is created in the original plat map.

Commissioner Bryant questioned if the County's development requirements are the reason Hibiscus Park was developed with two lots per dwelling. Mr. Weyrauch advised that Hibiscus Park was platted with 55 feet wide lots, but the LDC requires 85 feet wide lots to build; therefore, two lots were required to be combined in order to meet the width requirements. He stated if there is a neighbor on both sides of the property and the structure could meet the setback requirement an developer/individual could build on a 50 feet wide lot because the Comprehensive Plan recognizes the historic density of that subdivision.

Chairman Curry passed the gavel to Commissioner Stone who assumed the Chair.

Commissioner Curry out at 3:27 p.m.

General discussion ensued.

Paulo Mastroserio, Mastroserio Engineering, SE 36th Place, on behalf of the applicant, advised that there are no objections to the proposed Conditions. He stated after the P&Z Commission meeting, he met with the neighbors in Hibiscus Park and as a result of hearing neighbors concerns some changes were made to the plan. Mr. Mastroserio

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commented on the limited impact this development will have on the surrounding roadway per the traffic study completed by Kimley-Horne. He advised that citizens expressed concern relating to the connection to SW 75th Avenue, noting the applicant is willing to install a stabilized emergency ingress/egress with at gate. Mr. Mastroserio stated the residents of Hibiscus Park requested a sidewalk not be installed on the west side of SW 75th Avenue.

Mr. Mastroserio advised that Hibiscus Park neighbors and the neighbor to the east attended the community meeting. The neighbor to the east was in favor of the applicant installing just a vinyl fence around the perimeter of the property. Hibiscus Park residents have requested sweet viburnum also be required along the west side of the property, which the applicant is willing to accommodate. He stated the lift station will be centrally located towards the south of the property.

Mr. Weyrauch clarified that the only reason the new proposed plan was mentioned was to ensure the Board had all the information should the plan be addressed today.

Commissioner Curry returned at 3:34 p.m.

Chairman Stone returned the gavel to Commissioner Curry who resumed the Chair.

Chairman Curry opened the floor to public comment.

Patty Hughes, SW 75th Avenue, presented a 5 page handout entitled "Hibiscus Park" and provided a brief overview of the surrounding area.

Anne Petenes, SW 82nd Place, expressed traffic and safety concerns.

Nancy Hayne, SW 79th Place, commented on traffic concerns.

Cheryl McLain, SW 79th Street, requested the secondary access on SW 79th Street to have a gate with a lock/knock box, similar to Liberty Village and for it to be installed as soon as possible to alleviate any of the construction traffic moving through Hibiscus Park. She expressed support for the the six foot vinyl fence to the interior of the plantings (preferably sweet viburnum), the low volume of lighting, location of the lift station, there being no two story homes on the perimeter, and the removal of the sidewalks on SW 75th Avenue.

Tommy Pinder, SW 77th Place, expressed traffic concerns.

Commissioner Zalak out at 3:45 p.m.

Marlene Gentile, SW 79th Place, commented on traffic concerns relating to SW 80th Street and the impact the new developments have on Hibiscus Park.

Rene Geatches, SW 75th Avenue, expressed concern with access to her property once the development is constructed and the number of homes proposed for the subject parcel.

Commissioner Zalak returned at 3:51 p.m.

Chairman Curry advised that public comment is now closed.

Mr. Minter advised of a 5 page letter sent to the Board from Reggie Bouthillier and Kenneth Metcalf, on behalf of On Top of the World, L.L.C. (OTOW), On Top of the World Development of Regional Impact (OTOW DRI) and Colen Built Development, L.L.C (CBD) in objection of the proposed land use and zoning changes.

Commissioner Bryant expressed concern with the what looks like a lack of legal access to Ms. Geatches' property.

Mr. Mastroserio advised that the homes to the exterior of the property will be one story and if two story homes are built they will be located on the interior of the property. He stated a traffic study was complete by a reputable engineering company, noting staff has requested some additional intersections be analyzed; therefore, the company will update the traffic study as part of this process. If any improvements are necessary the developer will make those improvements.

In response to Chairman Curry, Mr. Mastroserio advised that single family units typically generate 10 trips per day per unit.

Commissioner Stone stated page 1,579 of the Agenda Packet addresses the daily trips for both the morning and afternoon.

Mr. Mastroserio advised that there will most likely be a mail kiosk internal to the development.

In response to Commissioner Zalak, Mr. Mastroserio provided a brief overview of the proposed amenities, noting this is a small development and will not contain a club house. General discussion ensued relating to amenities.

Commissioner Bryant questioned if SW 75th Avenue is part of an MSTU. Ms. Straub advised that many of the roads in Hibiscus Park are County maintained, noting there are some roads that are not constructed or paved.

General discussion ensued relating to road maintenance and access.

Ms. Straub advised that SW 75th Avenue is County maintained.

Chairman Curry questioned if access to Ms. Geatches' property will be impacted. Ms. Mertens stated the proposed project will not impact access to Ms. Geatches' property.

In response to Commissioner Bryant, Ms. Mertens advised that the Section 4.2.31 of the LDC requires 2 access points to to the development.

Commissioner Stone questioned the number of units currently permitted on this property. Ms. Mertens stated with the current land use the property can have 18 units, noting the proposed number of units is 72.

Commissioner Stone commented on the possibility of utilizing the Transfer of Development Rights (TDR) program for the increased density.

Ms. Mertens advised that staff had not discussed TDRs with the applicant. The request is for Medium Residential within the Urban Growth Boundary (UGB), which is considered an infill project.

General discussion ensued.

In response to Commissioner Stone, Mr. Weyrauch advised that the TDR program only allows for an increase of 2 units per acre, noting the applicant's request is for 3 units per acre to maximize the 4 units per acre of the Medium Residential.

Commissioner Stone stated it was her understanding that TDRs would be considered when considering an increase in density.

Commissioner Zalak opined that requiring TDRs would be a policy change the Board would have to discuss and provide guidance to staff on how to move forward.

General discussion ensued related to TDRs.

In response to Commissioner Bryant, Mr. Mastroserio advised that the lift station will be centrally located and will not be along the property line.

Commissioner Bryant expressed concern with the number of proposed units and the lack of a second access.

Commissioner Zalak advised that there are two proposed accesses, noting the neighbors were the ones requesting a yelp gate at the second ingress/egress on SW 75th Avenue.

In response to Commissioner Bryant, Mr. Mastroserio advised that the only reason a yelp gate was being considered was to work with the neighbors, but the applicant will follow Board direction.

Commissioner Bryant questioned if the development connects to SW 75th Avenue, will the development become a part of the next MSTU to repave the road. Mr. Minter stated a case could be made to include the development in the MSTU.

General discussion ensued.

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Mr. Minter advised that the best thing to do is to have some notification to buyers that they may be subject to an MSTU. He stated the County would have to prove the property owner receives a demonstrative benefit from the road.

Mr. Bouyounes stated it will be difficult to justify requiring a parcel along SW 80th Street to pay into an MSTU for SW 75th Avenue.

Mr. Minter advised that apportionment will have to be addressed on a case-by-case basis. In response to Commissioner Stone, Mr. Minter stated the letter from Mr. Metcalf and Mr. Bouthillier was sent directly of to the Commissioners and was not reviewed by staff.

Ms. Mertens advised that she has not seen the letter, but was informed of the two major objections being the capacity for the education system and traffic. She stated staff's analysis of the traffic is based on the approved traffic study submitted by the applicant. Ms. Mertens advised that the Marion County School Board (MCSB) Impact Fees for Educational Facilities study performed by Henderson Young & Company in 2006 a community of 72 units will add approximately 23 students to the school system.

In response to Commissioner Stone, Ms. Mertens advised that the traffic study considered in this analysis was performed in May of 2023 and included this project, as well as any other project that was approved for development.

Traffic Operations Manager Chris Ziegler, OCE, stated the information provided meets the County's traffic analysis guidelines, noting this was not a full traffic study. The project will not generate more than 100 peak hour trips; therefore, only a traffic assessment was required. He stated the applicant was required to review the existing traffic conditions, add the background traffic and add in any committed traffic for any trips that are within the study area on a normal basis.

General discussion ensued relating to traffic.

In response to Commissioner Stone, Ms. Straub advised that the multi model path to the west is for golf cart traffic in and between OTOW, noting there is no reason to send golf cart traffic down SW 80th Street to Highway 200. She stated as the County moves forward with road improvements in this area staff will need to continue to evaluate the paths.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to approve Small Scale Comprehensive Plan Amendment No. 23-S06, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with the surrounding land uses, is consistent with Chapter 163, Florida Statutes (FS) and the Marion County Comprehensive Plan. The motion passed 4-1, with Commissioner Bryant dissenting.

15.2.4. 231007ZP - Fun N Games, LLC., Zoning Change, General Agriculture (A-1) to a Planned Unit Development, 18.13 Acres, Parcel Account Number 35461-000-00, Site Address 7875 SW 75th Avenue, Ocala, FL 34476

The Board considered a petition by Fun N Games LLC, for a Zoning Change, Articles 1, 2 and 3, of the Marion County Land Development Code, from General Agricultural (A-1) to a Planned Unit Development (PUD), for all permitted uses, on an approximate 18.13 Acre Parcel, on Parcel Account Number 35461-000-00, site address 7875 SW 75th Avenue, Ocala, FL 34476, with 23-S06.

P&Z PUBLIC HEARING ON SEPTEMBER 25, 2023

231007ZP Planning and Zoning Commission Recommendation

Motion was made by Mr. Lourenco, seconded by Mr. Behar, to agree with staff's findings and recommendation, and recommend approval of the zoning Change based on the following findings of fact:

1. Will not adversely affect the public interest
2. Is consistent with the Marion County Comprehensive Plan
3. Is compatible with the surrounding land uses

Passed 5 to 2 with Mr. Bonner and Mr. Fisher dissenting.

This item was addressed with Agenda Item 15.2.3.

A motion was made by Commissioner Zalak, seconded by Commissioner McClain, to approve the zoning change from A-1 to PUD, with Conditions 1 through 15, as amended below, agreeing with Growth Services staff and disagreeing with the P&Z Commission, based on findings and recommendations that the proposed use will not adversely affect the public interest, is consistent with the Comprehensive Plan and is compatible with the surrounding land uses. The motion passed 4-1, with Commissioner Bryant dissenting.

The motion included the following Development Plan Conditions:

1. The PUD is restricted to a total of 72 detached single-family dwelling units (one and two-story), and accompanying accessory amenities consistent with the Marion County Land Development Code, the PUD Application, and PUD Master Plan (attached).
2. The PUD shall be restricted to one-story homes along the boundaries of the project.
3. Accessory dwelling units are prohibited as they are not specifically called out.
4. The PUD shall provide 20% open space.
5. The amenities shall include a pavilion with a playground and a dog park.
6. Buffers shall be provided as shown on the submitted conceptual plan.
7. Prior to completion and approval of the final PUD Master Plan, the project Traffic Impact Analysis shall be revised, to the satisfaction of the County Engineer and Growth Services Director, to examine both major intersections of SW 80th Street and SW 80th Ave and SW 80th Street and SR 200. Adequate provision shall be made for the coordination of improvement with the PUD.
8. Prior to completion and approval of the final PUD Master Plan, the Master Plan shall be revised to show the connection to SW 75th Ave lining up with an existing east/west road to the west. The access location is subject to approval by the County Engineer. This shall be developed as a full access connection but limited to emergency use with a "yelp gate". If the emergency access is at any time restored to a fully functioning access for Villa Verde, then the residents of Villa Verde will be included in the consideration of an MSTU Assessment for the improvement of SW 75th Avenue.
9. The construction route shall connect to the subject property from SW 80th Street and go toward SW SR 200. Construction traffic shall stay east of SW 75th Avenue and shall not access SW 75th Avenue.
10. An 8' multimodal path be placed along the SW 80th street right-of-way, matching the path to the west of the subject property. No sidewalk is required along the western boundary ROW. This path's construction will be due when SW 80th Street is widened.

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11. The PUD shall connect to Marion County centralized water and sewer.
12. Overhangs such as building pop-outs, cantilevers, and/or other extensions that project outward from the principal structure shall be reviewed similar to the Single Family Dwelling (R-1) zoning classification of the LDC.
13. Single-Family homes shall be a maximum of 40' in height. Any accessory structures shall be limited to 20'.
14. The final PUD Master Plan shall require approval by the Marion County Board of County Commissioners, including being duly noticed and advertised consistent with the Land Development Codes notice provisions at the Applicant's expense.
15. Exhibit:
 - A. PUD Concept Plan
 - B. Architectural Standards & Amenities

15.3. Adoption of Ordinance

15.3.1 23-S06

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 23-28 adopting Small Scale Comprehensive Plan Amendment No. 23-S06, agreeing with the Growth Services staff and the P&Z Commission recommendations, based on findings that the land use change will not adversely affect the public interest, is compatible with land uses in the surrounding area, is consistent with Chapter 163, FS and the Marion County Comprehensive Plan. The motion was unanimously approved by the Board (5-0).

Ordinance 23-28 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

2023-S06, Fun N Games, LLC.

+/- 18.13 ACRES

PARCEL NO. 35461-000-00

FROM LOW RESIDENTIAL TO MEDIUM RESIDENTIAL PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

15.3.2 Zoning

The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Growth Services Director Charles Varadin and Deputy Clerk Lewter regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Zalak, seconded by Commissioner Stone, to adopt Ordinance 23-29 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0).

Ordinance 23-29 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL

October 3, 2023

USE PERMIT APPLICATIONS AND AUTHORIZING IDENTIFICATION ON
THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.

There being no further business to come before the Board, the meeting thereupon
adjourned at 4:28 p.m.

Craig Curry, Chairman

Attest:

Gregory C. Harrell, Clerk

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